IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

CRP.No. 1892 of 2000(A)

TLB.1809/73/TBA of TALUK LAND BOARD, TALIPARAMBA
.....

REVN. PETITIONER/APPLICANT:

KOODACHI SANTHA, D/O.ERUVADIYAMMA,
RESIDING AT KODOTH, PERINGOME AMSOM DESOM,
TALIPARAMBA TALUK, KANNUR DISTRICT.

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENTS/STATE & DECLARANT:
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1. THE STATE OF KERALA - REPRESENTED BY
THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
TRIVANDRUM.

2. K.V.SAINUDEEN HAJI, PERINGOME AMSOM DESOM,
TALIPARAMBA TALUK.

BY GOVERNMENT PLEADER, SRI.R.BINDU (FOR R1)

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 06/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

JP

ORDER ON CMP NO.3875/2000 IN CRP NO.1892/2000

DISMISSED

SD/-
6/9/07 M.N.KRISHNAN, JUDGE

/TRUE COPY/

P.A. TO JUDGE

JP

M.N.KRISHNAN, J

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C.R.P. No.1892 OF 2000

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Dated this the 6th day of September 2007

O R D E R

This civil revision petition is preferred against the order of the Taluk Land Board , Taliparamba whereby 50 cents of land claimed by the petitioner is negatived by the Land Board. The declarant has not been served so far, but the other matters relating to the same has been disposed of by this court by way of remand. The contention of the petitioner is that she got the property from one P.V.Govindan in the year 1991 and prior to that Govindan was in possession even from a date prior to 1960 and therefore the declarant has nothing to do with the property and so this extent of land, i.e. 50 cents in Sy.No.253/7 of Peringome amsom cannot be taken into consideration for fixing the ceiling limit of the declarant. The Land Board had not considered the document in the correct perspective, but simply stated that the documents are not sufficient to establish that she was in possession prior to 15.9.1963. The most cardinal point is whether the declarant has any right over the said property or not. That has not been considered. It is also submitted by the counsel for the petitioner that no

opportunity was given to her to adduce oral evidence in support of her contentions. Further, under the amended Act 21 of 2006, Section 7E validates certain transaction deeming those persons to be the tenants of the property. All these matters require consideration.

Therefore the order under challenge is set aside and the matter is remitted to the Taluk Land Board for fresh consideration and it is directed to give notice to the declarant as well and permit all the parties concerned to produce and adduce documentary and oral evidence in support of their respective contentions and also the impact of the amendment to the Land Reforms Act under Section 7E and dispose of the matter in accordance with law. Parties are directed to appear before the court on 25.10.2007.

C.R.P. Is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-